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In re Application of
MORIMOTO *et al*
U.S. Application No.: 10/567,285
PCT No.: PCT/EP2005/052225
Int. Filing Date: 04 August 2003
Priority Date: None
Attorney Docket No.: KOMOP0109US
For: POWER SUPPLY DEVICE AND
COMMUNICATION SYSTEM

DECISION

This decision is in response to applicants' supplement to petition under 37 CFR 1.47(a) filed 29 October 2008.

BACKGROUND

On 11 September 2008, a decision dismissing applicants' 37 CFR 1.47(a) petition was mailed. Applicants were given two months to respond.

On 29 October 2008, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, documentary evidence in support of the renewed petition along with accompanying English translations.

DISCUSSION

Petitioners failed to satisfy item (2) of 37 CFR 1.47(a) in the prior petition and were requested to provide English translations of the documentary evidence listed by Mr. Nishijima in his declaration to corroborate the facts detailed in the petition.

In the renewed petition, the 37 CFR 1.47(a) applicants provided the English translations of the letters as requested. However, petitioners were unable to locate a letter from the nonsigning inventor mailed on or around January 2006 that was discussed in the declaration of Mr. Nishijima.

Nonetheless, the evidence is sufficient to demonstrate that the conduct of Kenichi Morimoto constitutes a refusal to cooperate as contemplated by section 409.03(d) of the MPEP. Specifically the nonsigning inventor's failure to respond to the letters requesting that he cooperate (which were accompanied by a copy of the subject

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application) is sufficient. Applicants have now provided sufficient evidence to meet the requirements of item (2) of 37 CFR 1.47(a).

Accordingly, all the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is GRANTED.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 04 August 2003 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 19 May 2008.

As provided in 37 CFR 1.47(a); a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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Mr. Morimoto:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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